

## **REMARKS**

Claims 1-26 are currently pending in the present application. Claims 1-22 have been amended to remove the reference numbers and claims 2, 4, 6, 8, 13, 15, 17 and 19 have been amended to remove the term "preceding claim" and include reference to a specific claim number. Claims 1 and 12 have been amended to correct grammatical errors and to rearrange the claim language. Additional grammatical amendments have been made. New claim 26 has been added. No new matter has been added in these changes.

Applicants note that the figures (FIGS. 1-7) published in US 2006-0074380 A1 are incorrect. Amended sheets of drawings (FIGS. 1-6) were filed in the PCT application and correspond to the figure legend in the published application, referring only to FIGS. 1-6. Applicants' response refers to the amended sheets of figures (FIGS. 1-6). Appropriate correction of the figures to include the correct FIGS. 1-6 is respectfully requested.

Applicants respectfully request that the Examiner review and initial page 7 of 7 on form 1449, July 18, 2005.

### **I. Objections to the Specification**

The abstract has been objected to because the abstract exceeds the 150-word maximum and the abstract contains legal terms. Applicants have amended the abstract to the 150-word limit and have removed the legal terms in compliance with MPEP § 608.01.

Applicants respectfully request that the objection to the abstract be withdrawn.

The disclosure has objected to because the specification lacks descriptive titles. Applicants have amended the specification to include descriptive titles.

Applicants respectfully request that the objection to the disclosure be withdrawn.

## **II. Objection to the Claims**

Claim 1 has been objected to as being ambiguous with respect to the terms "first and second end of the tubing". According to the Examiner, the tube ends are not visible.

Applicants respectfully traverse the objection to claim one. Applicants respectfully assert that the end of the tubing should not be read so restrictively to mean the terminal end. As can be seen in the figures, for example in FIG. 1, while the terminal ends are not visible, one skilled in the art would clearly understand that the terminal ends of the first end 4' and the second end 4" reside within the cannula housing 3 and the source coupling 5, respectively.

Applicants respectfully request that the objection to claim 1 be withdrawn.

Claims 1-22 have been objected to because the claims include reference numerals. Applicants have removed all reference numerals from the claims.

Applicants respectfully request that the objection to claims 1-22 be withdrawn.

Claims 2 and 4 have been objected to for the inclusion of the term "preceding claim" that the Examiner states is ambiguous. Applicants have amended claims 2 and 4 to remove the term "preceding claim" and refer to the claim by claim number.

Applicants respectfully request that the objection to claims 2 and 4 be withdrawn.

## **III. Claim Rejections 35 U.S.C. § 103**

Claims 1-8, 10-19 and 21-25 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Teissen-Simony (5,522,803) in view of Wilder et al. (4,606,735). According to the Examiner, Teissen-Simony meets the claim limitations with the exception of a second element for fixing the tubing and Wilder et al. teaches the tubing holder.

Applicants respectfully traverse the Examiner's rejection based on Teissen-Simony in view of Wilder et al. since the references alone or in combination fail to teach or suggest a device for subcutaneous supply of a medicament to a patient

having a first holder device and a second holder device where the first holder device can be displaced along the tubing in a direction towards the second holder device by movement of the tubing along the guides in the first holder device.

Furthermore, Applicants respectfully assert that there is no suggestion in either reference to combine the infusion set of Teissen-Simony with the tubing holder of Wilder et al. as required by § 103.

Even if the teachings of Teissen-Simony and Wilder et al. could be combined, all of the recited elements in Applicants' rejected claims would not be found in the combination.

Teissen-Simony is directed to an infusion set. As stated by the Examiner, Teissen-Simony does not teach or suggest a second element for fixing the tubing.

Wilder et al. is directed to a detachable holder for *immobilizing* a flexible tubing at a site adjacent its point of connection to a medical device inserted in a patient. (Abstract, emphasis added.) As described in the specification, the main object of Wilder et al. "is to provide an improved holder for *securely immobilizing* a flexible tubing adjacent its point of connection to a catheter" to prevent a tug on the tubing to displace the inserted medical device. (See Col. 2, lines 11-13, emphasis added.) Wilder et al. teaches a single stationary holder for immobilizing tubing. According to Wilder et al., "a sharp tug on the tubing leading from the holder to the fluid source, if it acts to axially displace the tubing section bridging holes  $H_1$  in the wing which are in axial alignment, will *only* serve to shorten the loop  $L$ , for it will *not act to displace the parallel tubing* section bridging axially-aligned holes  $H_2$ ." (Col. 4, lines 17-22, FIG. 5, emphasis added.) As shown in FIG. 5, the distance between the two arms 20, 21 of the holder is fixed. Wilder et al. clearly does not teach or suggest a first holder device and a second holder device *where the first holder device can be displaced along the tubing* in a direction towards the second holder device by movement of the tubing along the guides in the first holder device.

In contrast, Applicants' claimed invention requires a first holder device and a second holder device where the first holder device can be displaced along the tubing in a direction towards the second holder device by movement of the tubing along the

guides in the first holder device. As discussed above, Teissen-Simony and Wilder et al., individually or together, fail to teach or suggest the claimed invention.

Therefore, Applicants respectfully request that the rejection of claims 1-8, 10-19 and 21-25 under 35 U.S.C. §103(a) be withdrawn.

Claims 9 and 20 have been rejected under 35 U.S.C. §103(a) as being unpatentable over Teissen-Simony in view of Wilder et al. in further view of White (5,643,216). According to the Examiner, White teaches an IV tubing system that has three parallel tubing courses and is capable of creating several more courses through its guide and bore system (FIG. 5).

Applicants respectfully traverse the Examiner's rejection based on Teissen-Simony in view of Wilder et al. in further view of White since the references alone or in combination fail to teach or suggest a device for subcutaneous supply of a medicament to a patient having a first holder device and a second holder device where the first holder device can be displaced along the tubing in a direction towards the second holder device by movement of the tubing along the guides in the first holder device.

Furthermore, Applicants respectfully assert that there is no suggestion in any reference to combine the infusion set of Teissen-Simony with the tubing holder of Wilder et al. and the IV tubing system of White as required by § 103.

Even if the teachings of Teissen-Simony, Wilder et al., and White could be combined, all of the recited elements in Applicants' rejected claims 9 and 20 would not be found in the combination.

White discloses a patient bracelet system, each bracelet having a plurality of grooves adapted for receiving a portion of the medicament delivery system. Each bracelet has means to secure the bracelet about the arm. (Abstract.) According to the specification, the system provides "a means for securing portions of a medicament delivery system to an appendage of a patient to prevent movement of these portions of the delivery system relative to the appendage thereby preventing accidental removal of the cannulae from the patient." (Col. 1, lines 63-67.) The bracelet includes a plurality of projections and grooves therein wherein the grooves receive a portion of at least one

medicament in the grooves. (Col. 2, lines 60-63.) "Capturing of the cannula tubing 70 in bracelet 10 enhances patient comfort as entanglement of cannula tubing 70 is substantially reduced. Capturing of the cannula tubing 70 adjacent venipuncture site 1 also facilitates observation of the venipuncture site 1." (Col. 5, lines 20-24.) White teaches securing tubing in the bracelet system that is secured to the patients appendage. White clearly does not teach or suggest a first holder device and a second holder device *where the first holder device can be displaced along the tubing in a direction towards the second holder device by movement of the tubing along the guides in the first holder device*. White is clearly teaching that the tubing is not supposed to move.

In contrast, Applicants' claimed inventions requires a first holder device and a second holder device where the first holder device can be displaced along the tubing in a direction towards the second holder device by movement of the tubing along the guides in the first holder device. As discussed above, Teissen-Simony and Wilder et al., individually or together, fail to teach or suggest the claimed invention. White fails to teach or suggest Applicants' claimed invention. Further, White fails to make up the deficiencies of Teissen-Simony and Wilder et al., individually or together.

Therefore, Applicants respectfully request that the rejection of claims 9 and 20 under 35 U.S.C. §103(a) be withdrawn.

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#### IV. Summary

Having carefully addressed the Examiner's objections and rejections, Applicants respectfully assert that the application is in condition for allowance. Allowance of the present claims is earnestly solicited.

Should the Examiner wish to discuss any of the above submissions in more detail, the Examiner is asked to please call the undersigned at the telephone number listed below.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Heidi A. Dare", is written over a horizontal line.

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